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3 HB68 HOUSE JUDICIARY COMMITTEE SUBSTITUTE

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 To make it a crime for a person to elude a law
14 enforcement officer who is attempting to arrest the person; to
15 make it a crime for a person to attempt to elude a law
16 enforcement officer in a motor vehicle after having been
17 signaled to stop by the officer; to provide a defense to a
18 charge of eluding a law enforcement officer; to provide an
19 affirmative defense to prosecution under this act; to provide
20 for penalties including the suspension of the driver's license
21 of a person convicted of violating this act; to repeal Section
22 32-5A-193 of the Code of Alabama 1975, relating to eluding a
23 law enforcement officer; and in connection therewith would
24 have as its purpose or effect the requirement of a new or
25 increased expenditure of local funds within the meaning of
26 Amendment 621 of the Constitution of Alabama of 1901, now

1 appearing as Section 111.05 of the Official Recompilation of
2 the Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and cited as the
5 "Officer Keith E. Houts Act."

6 Section 2. (a) For purposes of this act, the term
7 "law enforcement officer" shall mean any person who has all of
8 the following qualifications:

9 (1) He or she has the power to arrest pursuant to
10 the laws of this state.

11 (2) He or she is a full-time law enforcement officer
12 of any state agency, department, board, commission, or
13 institution or a county or municipality.

14 (3) He or she is certified by the Alabama Peace
15 Officers and Standards Training Commission.

16 (4) He or she is acting in his or her official
17 capacity.

18 (5) He or she is not on strike or involved in a work
19 stoppage.

20 (6) He or she is not on duty as a private security
21 officer.

22 Section 3. (a) It shall be unlawful for a person to
23 intentionally flee by any means from anyone the person knows
24 to be a law enforcement officer if the person knows the
25 officer is attempting to arrest the person.

26 (b) It shall be unlawful for a person while
27 operating a motor vehicle on a street, road, alley, or highway

1 in this state, to intentionally flee or attempt to elude a law
2 enforcement officer after having received a signal from the
3 officer to bring the vehicle to a stop.

4 (c) A violation of subsection (a) or (b) is a Class
5 A misdemeanor unless the flight or attempt to elude causes an
6 actual death or physical injury to innocent bystanders or
7 third parties, in which case the violation shall be a Class C
8 felony. In addition, the court shall order the suspension of
9 the driver's license of the defendant for a period of not less
10 than six months nor more than two years.

11 Section 4. It is an affirmative defense to
12 prosecution under this act that the arrest was unlawful.

13 Section 5. In order to be guilty of violating this
14 act, the law enforcement officer must be acting under color of
15 law when attempting to arrest the person or signaling the
16 vehicle to stop.

17 Section 6. A person charged under this act may not
18 be charged with the crime of resisting arrest under Section
19 13A-10-41, Code of Alabama 1975, based on the same facts on
20 which a charge under this act is based.

21 Section 7. Section 32-5A-193 of the Code of Alabama
22 1975, relating to fleeing or attempting to elude a police
23 officer is hereby repealed.

24 Section 8. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 9. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.